



State of Tennessee Department of Children's Services

## **Administrative Policies and Procedures: 15.10**

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**Subject: Adoption Assistance Agreements Created Prior To October, 1997**

Supersedes: None

**Local Policy: No**  
**Local Procedures: No**  
**Training Required: No**

**Approved by:**

**Effective date: 10/01/97**

**Revision date:**

### **Application**

To All Adoption Services Staff and Tennessee Licensed Child Placing Agency Staff.

**Authority:** TCA 37-5-106; TCA 36-1-102-(4); TCA 36-201-206

### **Policy**

Services identified in adoption assistance agreements entered into prior to October 1, 1997 shall remain in effect after October 1, 1997 and be available for inclusion in future renewals and revisions.

### **Procedures**

#### **A. Implementation**

1. All other existing adoption assistance policies must be adhered to in administering this policy.
2. Children receiving adoption assistance prior to October 1, 1997, will continue to receive the services included in their adoption assistance agreement.
3. No new non-medical special services or additional medical/psychological/psychiatric services will be added to contracts in existence as of October 1, 1997.

**B. Service Provisions****1. Non-Medical Special Services**

Non-medical special services allowed in contracts prior to October 1, 1997 must be related to the child's defined "special need" and are limited to the following services:

- ◆ Respite
- ◆ Tutoring
- ◆ Camps (such as Easter Seals)
- ◆ Special day care
- ◆ Sports or art activities (such as swimming lessons, karate, etc)
- ◆ Medical supplies not covered by private insurance, TennCare, or any other source

Payment for these services will only be paid upon receipt of a bill.

**NOTE:** Any provider of service who is a state employee must have a dual services agreement completed prior to employment by the family.

**2. Residential Treatment**

The Behavioral Health Organization (BHO) must first provide residential treatment. If the BHO denies service, the adoptive family must appeal that decision. If treatment is still denied after the appeal, adoption assistance may be approved to pay for residential treatment according to the following procedures:

- ◆ Residential treatment is included in the agreement and the need for residential treatment is related to the child's defined special needs at the time the adoption assistance was approved.
- ◆ The residential treatment facility and treating professional must provide written documentation of the need for residential treatment, diagnosis, prognosis, treatment goals, and anticipated time frame for placement.
- ◆ The Director of Adoptions in Central Office must approve all residential treatment.
- ◆ The facility must be a state (DCS) contracted facility and

payment will not exceed the state contracted rate.

- ◆ If no in-state facility is available to meet the needs of the child, the treating professional must document why out of state treatment is needed.

### **3. Criteria for Medical Services**

- ◆ Medical/psychological/psychiatric services for the defined special needs will continue to be provided based upon written documentation of medical necessity from the treating professional and documentation from TennCare that TennCare will not provide the needed service.
- ◆ Private insurance must first be utilized before adoption assistance.
- ◆ TennCare denial of services to a TennCare provider must be appealed and documentation of the outcome of the appeal must be provided before adoption assistance can be considered.
- ◆ Adoption assistance does not pay the insurance deductible or co-payments.
- ◆ Private insurance will only be supplemented up to the TennCare rate accepted by a non-TennCare provider or the usual and customary rate as established by written estimates from three licensed providers from that locale.

### **4. Age**

- ◆ For children receiving adoption assistance through IV-E funding, all services continue to be available up to age 18 or age 21 if it is determined that the child is mentally or physically handicapped and the need continues to exist.
- ◆ State funded adoption assistance may be available until the child reaches age 18 or 21 if the child continues to attend any accredited school on a full time basis.
- ◆ If the child receiving adoption assistance through IV-E funding does not have a handicapping condition, the IV-E case must be closed at age 18 and the child can receive continued benefits through the state funded program if attending school full time.

- ◆ School attendance or handicapping condition must be verified and documented in the adoption assistance case file.

**5. Appeals**

The adoptive parents have the right to appeal the denial or termination of services.

**6. Reapplication After Termination**

If the adoption assistance case is terminated for any reason, unless the adoptive parent can show good cause, the parents do not have the right to reapply and the case cannot be reopened. However, if the termination is due to the adoptive parent(s) failure to complete the renewal process, the parent(s) may be permitted to reapply if they can demonstrate said failure to renew is directly related to the department's lack of timely notice or any other lack of action by the department required to complete the renewal process.

**C. Documentation**

1. The adoption assistance record must reflect that any services provided in a renewal/revision agreement after October 1, 1997 was included in the agreement in existence prior to October 1, 1997.
2. If a service is being utilized at the time of the renewal, the need for continued service must be documented by written verification from the treating professional. If the service is not being utilized at the time of the renewal, the need for service must be documented by written verification from the treating professional at the time the service is needed. Documentation must verify that the service is related to the child's defined "special need".

**D. Effective Dates**

Services provided must have been included in an adoption assistance agreement that was in existence as of October 1, 1997.

**Forms**

CS-0459	Adoption Assistance Renewal Affidavit
CS-0460	Adoption Assistance Application
CS-0461	Adoption Assistance Agreement

**Collateral Documents**

*None*

**Standards**

None